

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NIMA ZAHABI,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 23-cv-1540
v.	:	
	:	
GEORGE MASON UNIVERSITY, et al.,	:	
	:	
Defendants.	:	
	:	

STATUS UPDATE AND REQUEST TO CONTINUE STAY OF PROCEEDINGS

Plaintiff, Nima Zahabi (“Plaintiff”), and by and through his undersigned counsel, files this Status Update and Request to Continue Stay of Proceedings. Counsel for Plaintiff has provided counsel for Defendants, George Mason University (“GMU”), and Daigo Shishika (“Dr. Shishika;” collectively, “Defendants”; Plaintiff and Defendants, collectively, “Parties”), with a copy of this document prior to its filing and they do not oppose the relief sought herein.

1. On May 8, 2024, without any admission of liability, the Parties resolved this matter in principal as to all material terms, subject to approval by the Attorney General pursuant to Virginia Code § 2.2-514, and as memorialized in a written settlement agreement.
2. On May 9, 2024, the Parties jointly filed a notice of settlement and requesting that the case be stayed, and if the Parties were unable to resolve the matter within thirty (30) days, that the Parties will provide a status update to the Court [DE 14].
3. On May 10, 2024, the Court granted the Parties’ request, in part, ordering the

case is stayed but such stay would be lifted if the Parties did not file a joint stipulation of dismissal within thirty (30) days, or by June 10, 2024, given that June 9, 2024, fell on a Sunday [DE 15].

4. On May 9, 2024, counsel for Defendants sent Plaintiff's counsel a proposed draft settlement agreement. Plaintiff's counsel has been working with Plaintiff since on a response to the draft settlement agreement.
5. There have been several complications within the last thirty (30) days, including
 - (i) complexities of the settlement agreement regarding atypical logistics given GMU's entity status (considerations involving sovereign immunity, access to information under the Family Educational Rights and Privacy Act (FERPA), and enforcement of some of the material terms of the proposed resolution); (ii) personal health issues of undersigned counsel which resulted in absence from the firm within the last thirty (30) and communication delays to Defendants' counsel; and (iii) communication issues between Plaintiff and his counsel given that Plaintiff started a new job, meaning that he was unavailable to speak during normal business hours.
6. Plaintiff has narrowed the complexities of proposed settlement agreement down to a singular issue and believes that the Parties can work through it.
7. Plaintiff respectfully requests that the Court stay this proceeding for a period of thirty (30) additional days in order to finalize settlement and obtain approval by the Attorney General pursuant to Virginia Code § 2.2-514.
8. Such continued stay will mitigate the use of further judicial resources in this

matter and obviate the need for the Parties to engage in motion practice as to Defendants' pending Motion to Dismiss. Motion practice will lead to additional fees generated by the Parties in this matter and may ultimately result in a complete breakdown of settlement.

9. Nevertheless, in the event that the Court denies the relief herein, Plaintiff requests that the Court enter a briefing schedule on Defendant's pending Motion to Dismiss and provide Plaintiff until June 21, 2024, to file his Opposition, and provide Defendants until June 28, 2024, to file any Reply thereto, noting that the last Order [DE 15] did not address any effects once and if the stay was lifted.
10. The requested stay herein is not being sought for improper purposes, and neither the Court nor the Parties will be prejudiced by stay.
11. Counsel for Defendants has reviewed this document and does not oppose the request to extend the stay. Pursuant to Local Rule 7(F)(2)(b), no separate brief in support of this request is required.

PLAINTIFF EXPRESSLY WAIVES ORAL ARGUMENT ON THIS REQUEST

Date: June 10, 2024,

Respectfully submitted,

By Counsel:

/s/ *Robert Powers*

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing document via CM/ECF.

By: /s/ *Robert Powers*
Robert Powers, Esq.